

NOTICE OF PUBLIC HEARINGS  
AND PUBLIC MEETING  
STATE OF NEBRASKA  
DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ)  
ENVIRONMENTAL QUALITY COUNCIL

Notice is hereby given pursuant to Neb. Rev. Stats. §81-1505(17), §84-907, and §84-1411, the Nebraska Environmental Quality Council (EQC) will hold and conduct its regular meeting and public hearings on October 16, 2014 beginning at 9:00 A.M. Central Time (CT) at the Cornhusker Hotel, 333 South 13<sup>th</sup> St., Lincoln, Nebraska. Preceding the hearings will be business items on the agenda. Hearings are scheduled to begin as soon thereafter as can reasonably be heard. The purpose of the hearings is to take testimony and evidence about the amendment of NDEQ regulations as outlined in this notice.

The meeting agenda and a draft copy of the proposed regulations scheduled for hearing on October 16, 2014 are available at the NDEQ's Lincoln office, 1200 N St., Suite 400, Lincoln, NE and on the NDEQ website at <http://deq.ne.gov>. The meeting agenda and a draft copy of the proposed regulations scheduled for hearing are also available at the Office of the Secretary of State, Regulations Division, Room 1305, State Capitol Building, Lincoln, NE. The description of the fiscal impact of the proposed regulations on state agencies, political subdivisions, or persons regulated is available at these locations.

All interested persons may attend and testify orally or by written submission at the public hearings. Any person may provide advance notice of intent to testify by contacting Carla Felix, Hearing Officer, NDEQ, 1200 N St., Suite 400, P.O. Box 98922, Lincoln, NE 68509-8922. Unscheduled testimony will be heard following scheduled testimony. Interested persons may also submit written comments to Carla Felix prior to the hearing, which will be entered into the hearing record if received at the Lincoln office by 5:00 P.M. CT, October 15, 2014.

Please notify the NDEQ at least one week in advance of the EQC meeting if auxiliary aids or reasonable accommodations or alternate formats of materials are needed. Contact phone number is 402-471-2186. TDD users call 800-833-7352 and ask the relay operator to call us at 402-471-2186.

A public hearing will be held on the following:

1. Amendments to Title 128 – Nebraska Hazardous Waste Regulations. Changes in Chapters 1 propose new definitions for “no free liquids,” “solvent-contaminated wipe,” and “wipe.” Changes to Chapter 2 propose two new exclusions for certain solvent-contaminated wipes: one exclusion is from the definition of solid waste for certain solvent-contaminated wipes that are sent for cleaning and reuse as described in the proposed regulation, and the second exclusion is from the definition of hazardous waste for certain solvent-contaminated wipes that are sent for disposal as described in the proposed regulation that are still considered solid waste. Changes to Chapter 3 correct the

definition of the F001 listed hazardous waste to include methylene chloride and delete U202, the listed hazardous waste code for what are commonly known as Saccharin & Saccharin Salts which were removed from federal regulation in 2010. Changes to Chapter 7 correct two references in sections on used oil that is recycled and recyclable materials utilized for precious metal recovery. Changes to Chapter 10 correct a reference to the applicable requirements for waste placed in tanks. Changes to Chapter 20 correct the non-wastewater treatment standard found in Table 9 for nickel under the K049 hazardous waste code described as slop oil emulsion solids from the petroleum refining industry; and delete the treatment standard for U202, Saccharin and salts. Changes to Appendix I – Hazardous Constituents delete the U202 waste code for Saccharin and Saccharin salts. The EQC will vote to adopt, amend or not adopt the NDEQ proposal or parts thereof after hearing and considering all the testimony and written submissions.

2. Amendments to Title 117 – Nebraska Surface Water Quality Standards. These amendments are proposed as part of the State’s triennial review of Water Quality Standards, required by Section 303 of the Federal Clean Water Act. Changes in Chapter 4 propose new water quality standard numerical criteria for Carbaryl, a pesticide commonly known as Sevin®; delete certain site-specific and use-specific ammonia criteria and revise and replace them with two sets of acute and chronic toxicity formulas and tables based on temperature and pH, one set for coldwater aquatic life classes and one set for warmwater aquatic life use classes. Changes to Chapter 5 primarily correct stream names and locations, including but not limited to, change the name of stream segment BB1-10810 from Squaw Creek to Otoe Creek, correct the location and stream segment for Silver Creek—Headwaters to Platte River, change the name of stream segment NE1-12700 from Squaw Creek to Wyoming Creek, change the name of stream segment NE1-13710 from Squaw Creek to Mud Creek, correct the legal location for stream segment NE2-12320 (Unnamed Creek), change the name of stream segment NE3-20110 from Ayers Creek to Ayers Branch, change the name of stream segment NE3-20200 from Spring Branch to Spring Creek, correct the legal location for stream segment NI1-10240 (Unnamed Creek), change the name of stream segment NE2-10900 from Squaw Creek to Red Otter Creek, correct the legal location of stream segment NI2-11410 (Unnamed Creek), correct the legal location of stream segment NI2-11600 (Unnamed Creek), change the name of stream segment NI3-10250 to Nebraska-South Dakota border to Holt Creek – East Holt Creek to Nebraska-South Dakota border, change the name of NI3-10251 from East Branch Holt Creek to East Holt Creek, change the name of stream segment NI3-10260 from Holt Creek – Headwaters to East Branch Holt Creek to Holt Creek – Headwaters to East Holt Creek, change the stream number for Middle Branch Laughing Water Creek from NI3-11720 to NI3-11711, correct the legal location for Merritt Reservoir Dam in stream segment NI3-22400 (Snake River), correct the legal location for Merritt Reservoir Dam in stream segment NI3-22500 (Snake River), correct the legal location for Western Canal in stream segment SP1-80000 (South Platte River), and correct the legal location for Western Canal in stream segment SP1-90000 (South Platte River). Changes to Chapter 6 primarily add new lakes and correct lake names and locations, including but not limited to, add Red Fox Lake with assigned beneficial uses and nutrient classification, add Twin Lakes R.C. – North Lake with assigned beneficial uses and nutrient classification, add Twin Lakes R.C. – South Lake with assigned

beneficial uses and nutrient classification, delete Brick Yard Park Pond, correct the legal location for Loup Power District Headgate Pond No. 1, correct the legal location for North Loup Lake (SRA), change the name of Halsey Trout Pond to Bessey Fish Pond (Nebraska national Forest), correct the legal location for Melham Park Lake (Broken Bow), correct the legal location for Two Rivers Carp Lake (SRA), correct the legal location for Fremont Lake No. 11 (SRA), correct the legal location for Country Club Shores Lake, add Lake Wanahoo with assigned beneficial uses and nutrient classification, correct spelling of East Gothenburg Lake, correct spelling of West Gothenburg Lake, add Prairie Queen Lake with assigned beneficial uses and nutrient classification, add Prairie View Lake with assigned beneficial uses and nutrient classification, correct the legal location for Middle Decatur Bend Lake, add Kramper Lake with assigned beneficial uses and nutrient classification, move Osage Lake No. 3 (WMA) from Subbasin NE3 to Subbasin NE2, add Mayberry Lake (WMA) with assigned beneficial uses and nutrient classification, correct the legal location for Niobrara State Park Lake No. 2, add Crescent Lake (Garden County) with assigned beneficial uses and nutrient classification, correct the legal location for Lower Harrison Lake (Crescent Lake NWR), correct the legal location for Lake Alice (North Platte NWR), correct the legal location for Sacramento-Wilcox Lake No. 1 (WMA), correct the legal location for Sacramento-Wilcox Lake No. 2 (WMA), add Frenchman West Lake (WMA) with assigned beneficial uses and nutrient classification, add Frenchman Middle Lake (WMA) with assigned beneficial uses and nutrient classification, add Frenchman East Lake with assigned beneficial uses and nutrient classification, move Round Top Pond from Subbasin WH1 to Subbasin WH2, correct the legal location for Gilbert-Baker Pond (WMA), and other minor edits. Changes to Chapter 7 propose new water quality standard numerical criteria for Carbaryl, a pesticide commonly known as Sevin® for wetlands. The EQC will vote to adopt, amend or not adopt the NDEQ proposal or parts thereof after hearing and considering all the testimony and written submissions.